

E-Filing

1 BARRY J. PORTMAN
Federal Public Defender
2 HILARY A. FOX
Assistant Federal Public Defender
3 555 12th Street, Suite 650
Oakland, CA 94607
4 Tel: (510) 637-3500
Counsel for Defendant MARISCAL

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA,
9 Plaintiff,

10 v.

11 CESAR MARISCAL MARISCAL,
12 Defendant.

) No. CR 06-70789-MAG (BZ)

) STIPULATION AND [PROPOSED]
) ORDER TO STAY COMMITMENT
) ORDER AND REMOVAL

14 The parties submit this stipulation to request that the Court stay the order of Commitment
15 to Another District entered in this matter on December 7, 2006. At this time, Mr. Mariscal is
16 facing criminal proceedings both in the District of Arizona and, more recently, in the Northern
17 District of California, Oakland venue, as set forth in greater detail below. The parties agree that a
18 brief stay of the removal order is appropriate to afford an opportunity for the parties to determine
19 whether both pending cases may be resolved in a single disposition in this district.

20 On December 7th, Mr. Mariscal made his initial appearance before this Court in San
21 Francisco on a warrant issued out of the District of Arizona for violations of his supervised
22 release. At that appearance, Mr. Mariscal agreed to be removed to Arizona. This Court issued an
23 order of Commitment to Another District later that same day.

24 On December 14, while Mr. Mariscal was still in custody in the Northern District, awaiting
25 transfer to Arizona, the U.S. Attorney for the Northern District of California filed a complaint
26 charging Mr. Mariscal with a new violation of Section 1326 of Title 8 of the United States Code

JAN-12-2007 13:47

FED PUBLIC DEFENDER

003


P.03

1 (docket number 4-06-70810-WDB). On December 15, Mr. Mariscal made his initial appearance
2 on that complaint before the Magistrate Judge in Oakland, California. At that time, neither the
3 Magistrate Judge nor counsel present in court were aware of the removal order already entered on
4 December 7 by the Magistrate Judge in San Francisco. Mr. Mariscal made a subsequent
5 appearance in Magistrate Court in Oakland on December 18, and is scheduled for a third
6 appearance in Magistrate Court in Oakland on January 16, 2007, at 10:00 a.m.

7 Counsel for Mr. Mariscal and for the government have been in discussions regarding a
8 possible joint resolution combining the new charge with the existing supervised release violation
9 out of Arizona. In order to allow the parties additional time to complete these discussions and, if
10 appropriate, arrange transfer of the supervised release proceedings to this district, the parties
11 jointly recommend and request that the Court stay the removal order issued December 7, 2006.

12 SO STIPULATED.

13 Dated: January 12, 2007

14 
HILARY A. FOX
Attorney for Defendant MARISCAL

15 SO STIPULATED.

16 Dated: January 12, 2007

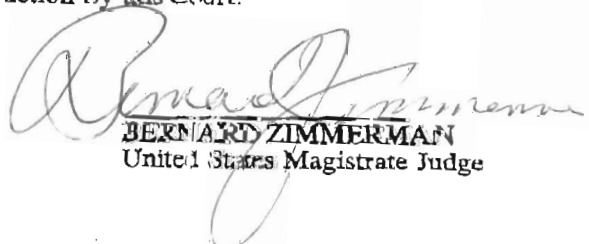
17 
DEBORAH DOUGLAS
Assistant United States Attorney

18 ORDER

19
20 Good cause appearing therefore, and pursuant to the stipulation of the parties, it is the
21 ORDER of this Court that the Order of Commitment to Another District issued December 7,
22 2006, is hereby STAYED until further action by this Court.

23 IT IS SO ORDERED.

24 Dated: January 12, 2007

25 
BERNARD ZIMMERMAN
United States Magistrate Judge

26

STIP AND ORD FOR STAY

- 2 -

(docket number 4-06-70810-WDB). On December 15, Mr. Mariscal made his initial appearance on that complaint before the Magistrate Judge in Oakland, California. At that time, neither the Magistrate Judge nor counsel present in court were aware of the removal order already entered on December 7 by the Magistrate Judge in San Francisco. Mr. Mariscal made a subsequent appearance in Magistrate Court in Oakland on December 18, and is scheduled for a third appearance in Magistrate Court in Oakland on January 16, 2007, at 10:00 a.m.

Counsel for Mr. Mariscal and for the government have been in discussions regarding a possible joint resolution combining the new charge with the existing supervised release violation out of Arizona. In order to allow the parties additional time to complete these discussions and, if appropriate, arrange transfer of the supervised release proceedings to this district, the parties jointly recommend and request that the Court stay the removal order issued December 7, 2006.

SO STIPULATED.

Dated: January __, 2007

HILARY A. FOX
Attorney for Defendant MARISCAL

SO STIPULATED.

Dated: January __, 2007

DEBORAH DOUGLAS
Assistant United States Attorney

ORDER

Good cause appearing therefore, and pursuant to the stipulation of the parties, it is the ORDER of this Court that the Order of Commitment to Another District issued December 7, 2006, is hereby STAYED until further action by this Court.

IT IS SO ORDERED.

Dated: January __, 2007

BERNARD ZIMMERMAN
United States Magistrate Judge

STIP AND ORD FOR STAY